

REMARKS

Applicant gratefully acknowledges the courtesy of the Examiner in granting an interview to Applicant's representative David Zviel, registration number 41,392, on 30 June 2009. In the interview, a proposed amendment to claim 69 was discussed in view of US 2002/0144262 of Plotnick, et al. Agreement was not reached.

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Claims 89 - 90 stand rejected under 35 USC 112 second paragraph as failing to particularly point out and distinctly claim the subject matter of the invention.

The preamble of claim 89, prior to the present invention recited: "A system for" ... "the method comprising". Accordingly, claim 89 has been amended to recite: "A system for" ... "the method system comprising".

Similarly, the preamble of claim 90, prior to the present invention recited: "Apparatus for embedding" ... "the method comprising". Accordingly, claim 90 has been amended to recite: "Apparatus for embedding" ... "the method apparatus comprising".

The rejection of claims 89 and 90 under 35 USC 112 second paragraph is therefore overcome.

Claims 69 - 92 stand rejected under 35 USC 102(b) as being unpatentable over US 2002/0144262 of Plotnick, et al.

Plotnick describes a system for presenting viewers with an alternative brief version of a recorded advertisement when they choose to fast-forward through or skip (or any other trick play event) the recorded advertisement.

Claim 69, as amended now recites "embedding a message obscurer in at least one non-key frame from among the plurality of non-key frames", ...

“and visibility of the message is obscured by the message obscurer during non-trick mode playback”.

There is no message obscurer in Plotnick.

In the interview, the Examiner said that the amendment to claim 69 seemed obvious to him in light of paragraph 0205 of Plotnick.

Paragraph 0205 of Plotnick is quoted below in its entirety:

[0205] As previously mentioned, the processing rules may be specific to the advertisement or may be generic in nature. The processing rules may state which frames from the advertisement to use to create the trick play ad. As one skilled in the art would recognize, processing rules specific to the advertisement could be much more elaborate than generic processing rules. That is, the generic rules may simply specify a single frame to display (i.e., first I-Frame), or a particular segment of video (i.e., first 2 seconds), or simple combinations of the above (i.e., first and second I-frames; first I-frame for 1 second followed by 1 second of video). The specific processing rules could identify exact frames, sets of frames, segments of video, and any complex combination thereof (i.e., 3^{sup}.rd I-Frame for 1/2 second, followed by segment of video between 21^{sup}.st and 22^{sup}.nd second of ad, followed by 1^{sup}.st I-frame for 1/2 second). In addition, the processing rules could also define editing of the various frames or video segments (i.e., cropping; changing video features such as color, tint, hue, contrast; adding computer generated graphics; displaying different frames at the same time (i.e., one on top and one on bottom); using one frame as the background for video segments being run in front of the frame).

The processing rules of Plotnick are introduced earlier, in paragraph 0182:

[0182] FIGS. 13A-C illustrate several exemplary embodiments associated with an alternative advertisement 1300 being derived from the advertisement 1230 by utilizing processing rules 1310. FIG. 13A illustrates an embodiment where the video source 1200 transmits the video stream 1210 including programming 1220 and both the advertisement 1230 (default or targeted) and the processing rules 1310 (i.e., data file) to the PVR 1250. The processing rules 1310

will be described in more detail later. The PVR 1250 may include an alternative ad generator 1320 that generates the alternative ad 1300 by applying the processing rules 1310 to the advertisement 1230. Based on whether the subscriber 1260 is fast forwarding 1280 through the advertisement 1230 or playing the advertisement 1230 at regular speed 1270 determines whether the alternative advertisement 1300 (either alone or in conjunction with the fast forwarding advertisement 1230) or the advertisement 1230 is displayed to the subscriber 1260.

Plotnick makes the appearance of an advertisement dependent on processing rules. The present invention, by contrast, does not utilize any processing rules beyond the displaying of a sequence of key frames. Displaying a sequence of key frames only (as mentioned in the Summary of the Invention), without any additional processing or processing rules is a well known method for trick mode play out.

In that Plotnick does not use key frames only trick mode, and the present invention does, it follows that Plotnick teaches away from the present invention.

To summarize:

- there is no message obscurer in Plotnick; and
- the present invention utilizes a key frame only trick mode, without special processing, as opposed to Plotnick (which requires special processing rules - see the Summary of the Invention in the present application).

Applicant respectfully submits, therefore, that claim 69 is not, in fact, obvious, in light of Plotnick. Applicant further respectfully submits that, in view of the distinctions between claim 69 and Plotnick elucidated above, claim 69 is, in fact, patentably distinct from Plotnick.

The amendment to claim 69 is supported, inter-alia, on page 10 of the description, and by Figs. 4A - 4F, and the description thereof.

Claim 69 is therefore deemed allowable.

Claims 70 - 81 depend, either directly or indirectly on claim 69, and recite additional patentable subject matter.

Claims 70 - 81 are therefore deemed allowable in light of the above discussion of the allowability of claim 69.

New claims 93 - 95 depend, either directly or indirectly on claim 69, recite additional patentable subject matter about the features which amended claim 69 now recites.

The claims 93 - 95 are supported, inter-alia, on page 10 of the description, and by Figs. 4A - 4F, and the description thereof.

Claim 81 is directed to a method performed at a device which receives the embedded message of claims 69 - 80. The device then displays, during trick mode playback, the embedded message.

Therefore the rejection of claim 81 refers repeatedly to the rejection of claim 69. Accordingly, the same discussion regarding claim 69 is relevant for the discussion of claim 81:

- there is no message obscurer in Plotnick; and
- the present invention utilizes a key frame only trick mode, without special processing, as opposed to Plotnick (which requires special processing rules - see the Summary of the Invention in the present application).

Applicant respectfully submits, therefore, that claim 81 is not, in fact, obvious, in light of Plotnick. Applicant further respectfully submits that, in view of the distinctions between claim 81 and Plotnick elucidated above, claim 81 is, in fact, patentably distinct from Plotnick.

Claims 82 - 88 depend, either directly or indirectly on claim 81, and recite additional patentable subject matter.

Claims 82 - 88 are therefore deemed allowable in light of the above discussion of the allowability of claim 81.

Claims 89 - 90 are, respectively, a system claim and an apparatus claims in means-plus-function format corresponding to method claim 69.

Claims 89 - 90 are therefore deemed allowable in light of the above discussion of the allowability of claim 69.

Claims 91 - 92 are, respectively, a system claim and an apparatus claims in means-plus-function format corresponding to method claim 81.

Claims 91 - 92 are therefore deemed allowable in light of the above discussion of the allowability of claim 81.

Applicant has carefully studied the other prior art of record including US 2003/0154128 of Liga, et al.; US 7,065,250, of Lennon; and US 6,637,032 of Feinleib.

Liga et al. describes communication and display of an advertisement using a personal video recorder.

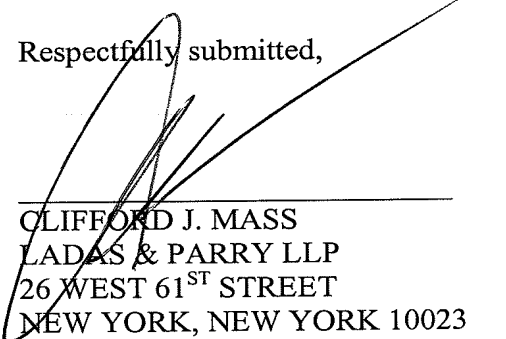
Lennon describes an automated image interpretation and retrieval system.

Feinleib describes a system and method of synchronizing enhanced content with a video program using close captioning.

Applicant finds that the present invention as claimed is neither described nor suggested in the prior art of record, taken either individually or in combination.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,



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